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In re Application of
ROZENBERG, Yanina et al.
US Application No.: 10/049,871
PCT Application No.: PCT/US00/22619
Int. Filing Date: 18 August 2000
Priority Date: 19 August 1999
Attorney's File Reference: 271010-473
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This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.42 and 1.47(a)", filed 21 May 2003, which is being treated as a renewed petition under 37 CFR 1.42 requesting acceptance of the application in the name of the heirs of deceased co-inventor Viacheslav Medvedkin.

BACKGROUND

On 24 June 2003, this Office issued a decision dismissing applicants' petition under 37 CFR 1.42. The decision indicated that applicants must provide a declaration clearly indicating the country of citizenship of deceased co-inventor Viacheslav Medvedkin and the citizenship, residence, and mailing address of both heirs/legal representatives Natalia Medvedkina and Alexander Medvedkin.

On 30 July 2003, the applicants filed the present "Renewed Petition Under 37 CFR 1.42 and 1.47(a)" which is accompanied by, inter alia, a declaration and power of attorney indicating 1) the country of citizenship of deceased co-inventor Viacheslav Medvedkin, 2) the citizenship, residence, and mailing address of heir/legal representative Natalia Medvedkina, and 3) the residence and mailing address of heir/legal representative Alexander Medvedkin. However, the declaration does not indicate the citizenship of heir/legal representative Alexander Medvedkin.

DISCUSSION

37 CFR 1.497(b)(2) states:

If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or § 1.47), the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person signing the oath or declaration is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence and mailing address of the legal representative.

The declaration filed 30 July 2003, does not indicate the citizenship of heir/legal representative Alexander Medvedkin. Applicants are required to provide a declaration indicating the country of citizenship of heir/legal representative Alexander Medvedkin.

CONCLUSION

For the above reasons, applicants' request for status under 37 CFR 1.42 is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. This time period for response may be extended under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled 'Renewed Request Under 37 CFR 1.42.' No additional petition fee is required.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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